

(Ireland.)

A

B I L L

To amend an Act of the Sixth and Seventh Years of his late Majesty King WILLIAM the Fourth, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ by an Act passed in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intitled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," It is enacted, that it should be lawful for the Grand Jury of any county to present to be levied off such county, for the erection of any pier or quay, or for the repairing or enlarging of any existing pier or quay on the banks of any navigable river or lake, or on the sea coast, or for the making or repairing of any road or approach to any such pier or quay, or for deepening or embanking any such river or lake in such county, any sum or sums of money not exceeding in the whole the sum of Three hundred Pounds, nor exceeding Two-thirds of the whole sum at which the said work had been contracted for, nor unless the consent in writing under the hand and seal of the owner or owners in fee, or of the person or persons having a lease of lives renewable for ever, or a term of years of not less than ninety-nine to come, and unexpired at the time of making such Presentment, of or in the lands on which the said work was to be constructed, should have been lodged in the office of the Treasurer of the County Six clear days before the Assizes at which the application for such Presentment was to be considered :

Preamble.

And whereas it has been found that the last-recited provision cannot be carried into effect by reason of the necessity of the said consent in writing being required, and also that the said sum of Three hundred Pounds has been insufficient in amount for the purposes of the said last-recited provision ;

1.
Grand Jury to present any sum not exceeding Two-thirds of cost of work, without consent of owners.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, it shall be lawful for such Grand Jury as aforesaid to present to be levied off the county, for the several purposes mentioned in the said last-recited provision, any sum or sums of money whatever not exceeding *Two-thirds* of the whole sum at which the work in respect of which such Presentment shall be made has been contracted for; and that from and after the passing of this Act, no such consent in writing as is required by the said recited provision, and no other consent whatever of any person having any interest in the lands on which such work is to be constructed, shall be required to be given or lodged before the Assizes at which the application for such Presentment is to be considered, or at any other time.

2.
Provision in recited Act as to refusal of Grand Jury to present.

AND whereas by the said recited Act it is enacted, that if at any time thereafter it should appear, from a memorial signed by Twenty cess-payers in any barony, that the Grand Jury of any county had twice refused to present for the making or repairing of any road in such barony, and that by reason thereof the inhabitants of such barony were aggrieved, it should be lawful for the Lord Lieutenant to refer such memorial to the Commissioners of Public Works to examine into the truth of the allegations therein contained, and to report thereon, and particularly to report whether it was necessary for the public convenience that such road should be repaired or made, and what would be the expense thereof; and thereupon it should be lawful for the Lord Lieutenant, if he should think fit, to refer such report to the Grand Jury of the county at the next Assizes; and such Grand Jury might thereupon, if they should think fit, present that such road should be made or repaired in such manner as should be recommended by the report of the said Commissioners, and that the sum necessary for that purpose should be raised off the county, or any barony or baronies thereof, in such proportions as they might think proper; and in case they should refuse or neglect to make any such Presentment, it should be lawful for the Lord Lieutenant to direct the said Commissioners to cause such road to be made or repaired, and the expense thereof should be certified by them to the Lord Lieutenant, who should cause such certificate to be laid before the Grand Jury of the county; and such Grand Jury should and they were thereby required to present the

the amount thereby certified to be levied off the county at large in which such road might be situated, and to be repaid to such Commissioners by such instalments as the Lord Lieutenant shall think fit to direct: And whereas it is expedient that the said last-recited provision should be extended to the erection and repairing of bridges within any county at the expense of such county at large; BE it therefore Enacted, That the said last-recited provision shall extend to the making or repairing of any bridge within any county; provided, however, that the memorial thereby required to be made shall be a memorial signed by *Twenty* cess-payers in any county, and shall state that the Grand Jury of such county has *Twice* refused to present for making or repairing such bridge, and that by reason thereof the inhabitants of such county are aggrieved, and the sum necessary for such works shall be levied off the county at large.

Provision is recited Act, as to Memorial for making or repairing any bridge, extended to this Act.

3.

AND whereas by the said recited Act it is enacted, that in case at any time thereafter the Lord Lieutenant should direct that a Quarter Sessions of the Peace, or any adjournment thereof, should be holden for the despatch of civil or criminal business in any town or place in which there might not be a Sessions House, the Surveyor of the County should, on being required by the Lord Lieutenant so to do, prepare such specifications, maps, plans, sections and elevations as might be necessary for the erection of a Sessions House therein, expressing the nature and probable expense of the works and the materials proper to be employed, and the same should be delivered to the Secretary of the Grand Jury, who should lay the same, together with a copy of the warrant of the Lord Lieutenant, before the Grand Jury at the Assizes next after the time at which he should receive the same, and the Grand Jury should examine such specifications, maps, plans, sections and elevations, and such others as might be laid before them, and either adopt the same, or make such alterations therein as they might think proper, or reject the same, and should present that a proper and sufficient Sessions House should be provided or built in such town or place within the period of One Year from such Assizes, and that a sum not exceeding One thousand Pounds should be levied off the county for that purpose at one time, or by instalments to be completed within the period of Five Years, and the Surveyor should thereupon prepare a proper form of tender for the execution of such work, and should deliver the same to the Secretary of the Grand Jury, who should lay the same, together with the Presentment and the specifications, maps, plans, sections and elevations, as approved of by the Grand Jury, before the next Presentment Sessions holden for the county at large, who should direct within what period before the day to which such Sessions might be adjourned, tenders for the execution of the works should be received; and any tenders that should be made for the execution of such works should be opened at the first adjournment of such Sessions, and dealt

with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, That if such Presentment should not be made, and a valid contract for executing such work should not be entered into within the period of Two Months from the Assizes at which such warrant should have been laid before the Grand Jury, it should be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such Sessions House; and on the production to the Grand Jury at any Assizes of the certificate of the Secretary of such Commissioners that a sum not exceeding the sum of One thousand Pounds had been expended in building such Sessions House, and purchasing a site for the same, or for either of such purposes, the Grand Jury should and they were thereby required to present the sum so certified to be levied off such county in one payment, and to be paid to the Secretary of the said Commissioners in satisfaction of the sum so expended: And whereas it has been found that the said sum of One thousand Pounds is insufficient for the erection of a Sessions House, and it is expedient that any Sessions House, when required to be built, should be forthwith erected under the direction of the said Commissioners of Public Works in Ireland; BE it therefore Enacted, That so much of the said recited Act as limits the sum to be expended in the erection of a Sessions House shall be repealed, and that from and after the passing of *this Act*, such sums or sums of money as the Surveyor of the said County shall certify to be required for that purpose shall be levied, raised and applied for that purpose under the said recited provision of the said Act, in the same manner as is thereby directed as to the said sum of One thousand Pounds; and the Secretary of the Grand Jury shall deliver a copy of such Presentment to the Commissioners of the Board of Works, and shall also deliver to them the specifications, maps, plans, sections and elevations which shall have been approved of by the said Grand Jury under the said recited provision of the said Act; and the said Commissioners of Public Works shall forthwith build or provide such Sessions House, and without its being necessary that there should be such interval of Two Months as is mentioned in the said recited provision, or any interval; and no tender whatever for the execution of such works shall be required to be prepared or made by the Surveyor of the County.

Power to levy additional rates for erecting Sessions House.

4-
Applications for building or repairing any Gaol, &c., to be made at County Presentment Sessions.

AND whereas a doubt has arisen whether the proceeding to obtain Presentments for the building, rebuilding, altering, enlarging or repairing any gaol, bridewell, house of correction or other prison in Ireland, must not be under the provisions of the said recited Act; now, in order to remove said doubt, and to facilitate the passing of Presentments for the building, rebuilding, altering, enlarging or repairing gaols, bridewells, houses of correction or other prisons in Ireland; BE it Enacted, That from and after the passing of *this Act*, all applications for the building, rebuilding, altering, enlarging or repairing any gaol,

gaol, bridewell, house of correction or other prison in Ireland, shall be made at the Presentment Sessions for the county at large, and such application shall be lodged with the Secretary of the Grand Jury of the county at least Ten Days before the time of holding said Presentment Sessions; and such Secretary shall indorse on such application the time of his having received the same, and he shall produce such application at the Presentment Sessions for the county which shall be held next after the receipt of same.

And be it Enacted, That at the Presentment Sessions for the county held next after the said application shall have been so lodged, the Justices and cess-payers associated in the business of such Sessions under the provisions of the said recited Act shall take into consideration such applications as shall be laid before them in manner aforesaid for the building, rebuilding, altering, enlarging or repairing any gaol, bridewell, house of correction or other prison, and examine into the time of the lodging of the application for same, and into the merits of said application; and the said Justices and cess-payers shall, after such examination, decide by majority of voices upon such application, and whether same ought to be adopted or rejected, and whether wholly or in part, and what modification thereof may be proper, if any; and the Chairman of said Presentment Sessions shall indorse all such applications accordingly which shall be adopted and approved, and sign his name thereto, and deliver all such applications so indorsed to the Secretary of the Grand Jury, who shall lay the same before the Grand Jury of the said county which shall be next impannelled, pursuant to the provisions of said recited Act.

5-
Justices and
cess-payers
associated in
such Sessions
to decide on
such applica-
tions by ma-
jority.

And be it Enacted, That the said Grand Jury shall consider and decide upon any applications made under the provisions of an Act passed in the seventh year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act for consolidating and amending the laws relating to Prisons in Ireland," and shall have full power and authority, if they shall see fit, forthwith to make and pass a Presentment for the building, rebuilding, altering, enlarging or repairing any gaol, bridewell, house of correction or other prison of such county, pursuant to the application so approved of at said Presentment Sessions.

6.
Power to
Grand Jury to
decide applica-
tions under
7 Geo. 4. (1).

And be it Enacted, That when such Presentment or Presentments for the building, rebuilding, altering, enlarging or repairing any gaol, bridewell, house of correction or other prison, shall have been passed by the said Grand Jury, then all the further proceedings to build, rebuild, alter, enlarge or repair any gaol, bridewell, house of correction or other prison, and the obtaining necessary plans for same, and the contracts relative thereto, shall be according to the provisions and regulations prescribed by the said last-mentioned Act of the seventh year of the reign

7.
Proceedings
for building
any Gaol, &c.
after Present-
ment, to be
under 7 Geo. 4.
(1.)

of his Majesty King GEORGE the Fourth; and all provisions of the said last-mentioned Act shall, from and after the passing of said Presentment, apply and be carried into effect in proceeding under the said Presentment; any law, custom or usage to the contrary notwithstanding.

5

8.
Act 6 & 7
WILL. 4. (1.) to
continue in
force, save as
amended by
this Act.

And be it Enacted, That the said recited Act of the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, and also an Act to amend an Act passed in the seventh year of the reign of his said late Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland, shall continue in full force and effect, save and except so far as the same are altered or amended by this Act; and that the said recited Acts and this Act shall be construed together as one Act, to all intents and purposes whatever.

10

9.
Act to extend
only to Ire-
land.

And be it Enacted, That this Act shall only extend to that part of the United Kingdom called Ireland.

15

10.
Alteration of
Act.

And be it Enacted, That this Act may be amended, altered or repealed by any Act to be passed in the present Session of Parliament.

Grand Jury Presentments.

(Ireland)

A

7

B I L L

To amend an Act of the Sixth and Seventh Years of his late Majesty King WILLIAM the Fourth, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

(Proposed and brought in by
Mr. Mackenzie and Mr. O'Connell)

Ordered by The House of Commons, to be Printed,
14 December 1837.